



# Mental Health (Care and Treatment) (Scotland) Act 2003

## 2003 asp 13

### PART 7

#### COMPULSORY TREATMENT ORDERS

#### CHAPTER 4

#### REVIEW OF ORDERS

##### *Revocation of order by responsible medical officer or Commission*

#### **82 Revocation of order: notification**

- (1) Where a patient's responsible medical officer makes a determination under section 79 or 80 of this Act, that officer shall—
  - (a) give notice of the determination; and
  - (b) send a statement of the reasons for it,to the Commission and to the persons mentioned in subsection (3) below.
- (2) Where the Commission makes a determination under section 81 of this Act, it shall—
  - (a) give notice of the determination; and
  - (b) send a statement of the reasons for it,to the patient's responsible medical officer and to the persons mentioned in subsection (3) below.
- (3) The persons referred to in subsections (1) and (2) above are—
  - (a) the patient;
  - (b) the patient's named person;
  - (c) any guardian of the patient;
  - (d) any welfare attorney of the patient;
  - (e) the mental health officer; and

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**Changes to legislation:** *Mental Health (Care and Treatment) (Scotland) Act 2003, Section 82 is up to date with all changes known to be in force on or before 18 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (f) the Tribunal.
- (4) Notice under subsection (1) or (2) above—
- (a) to the persons mentioned in paragraphs (a) to (d) of subsection (3) above shall be given as soon as practicable after the determination is made and, in any event, before the expiry of the period of 7 days beginning with the day on which the determination is made; and
  - (b) to—
    - (i) the Commission;
    - (ii) the patient’s responsible medical officer; and
    - (iii) the persons mentioned in paragraphs (e) and (f) of that subsection,shall be given before the expiry of the period of 7 days beginning with the day on which the determination is made.

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**Commencement Information**

- II** S. 82 in force at 5.10.2005 by S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)